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Sec. Twp. Range

**ZONING HEARING APPLICATION  
MIAMI-DADE COUNTY  
DEPARTMENT OF PLANNING & ZONING**

**RECEIVED**  
04-33  
FEB 4 - 2004

ZONING HEARING SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY

*DD*

LIST ALL FOLIO #S: 30-69-01-022-0100

Date Received

1. **NAME OF APPLICANT** (Provide complete name of applicant, exactly as recorded on deed, if applicable. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

DRI INC

2. **APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:**

Mailing Address: 8935 SW 163 TER

City: MIAMI State: FL Zip: 33157 Phone#: 305 498-5871

3. **OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:**

Owner's Name (Provide name of ALL owners): SAME

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone#: \_\_\_\_\_

4. **CONTACT PERSON'S INFORMATION:**

Name: ERROL DUNCAN

Company: DRI INC

Mailing Address: 8935 SW 163 TER

City: MIAMI FL 33157

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone#: 305 498-5871

Fax#: \_\_\_\_\_ E-mail: \_\_\_\_\_

5. **LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION**

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets, as needed).

DUKE ESTS 30-69-01-022-0100

LOT 1 BLK 3

AKA 12655 SW 195 TER

6. **ADDRESS OR LOCATION OF PROPERTY** (For location, use description such as NE corner of, etc.)

7. SIZE OF PROPERTY (in acres): • 75 ACRE (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property ☒ acquired ☐ leased: 10.1.03  
(month & year)

9. Lease term: \_\_\_\_\_ years

10. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S), provide complete legal description of said contiguous property.

NO

11. Is there an option to purchase ☐ or lease ☐ the subject property or property contiguous thereto?  
☒ no ☐ yes (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

12. PRESENT ZONING CLASSIFICATION: EO-1

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)  
(DBC requires special exception to permit site plan approval unless rezoning 3 acres or less to residential categories)

- ☐ District Boundary Changes (DBC) [Zone class requested]: EUM
- ☐ Unusual Use: \_\_\_\_\_
- ☐ Use Variance: \_\_\_\_\_
- ☐ Alternative Site Development: \_\_\_\_\_
- ☐ Special Exception: \_\_\_\_\_
- ☐ Modification of previous resolution/plan: \_\_\_\_\_
- ☐ Modification of Declaration or Covenant: \_\_\_\_\_

14. Has a public hearing been held on this property within the last year & a half? ☒ no ☐ yes.  
If yes, provide applicant's name, and date, purpose and results of hearing, and resolution number:

15. Is this hearing as a result of a violation notice? ☒ no ☐ yes. If yes, give name to whom the violation notice was served: \_\_\_\_\_ and describe the violation: \_\_\_\_\_

16. Describe structures on the property: NONE

17. Is there any existing use on the property? ☒ no ☐ yes. If yes, what use and when established?  
Use: \_\_\_\_\_ Year: \_\_\_\_\_

OWNERSHIP AFFIDAVIT  
FOR  
CORPORATION

STATE OF FL

Public Hearing No. \_\_\_\_\_

COUNTY OF DADE

Before me, the undersigned authority, personally appeared ERROL DUNCAN, hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the president, vice-president or CEO of the DRI Corporation, with the following address: 8935 SW 163 TER  
MIAMI FL 33157
2. The Corporation owns the property, which is the subject of the proposed hearing.
3. The subject property is legally described as:  
DUKE ESTS LOT 1 BLK 3  
Folio 30 69 01-022-0100 AKA 12655 SW 195 TER
4. Affiant is legally authorized to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

**Witnesses:**

Iyad Suleiman  
Signature  
Iyad Suleiman  
Print Name

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Print Name

ERROL DUNCAN  
Affiant's signature  
ERROL DUNCAN  
Print Name

Sworn to and subscribed before me on the 4 day of Feb, 2004.

Affiant is personally known to me or has produced \_\_\_\_\_ as identification.



Iyad Suleiman  
Commission # DD153058  
Expires Sep. 24, 2006  
Aaron Notary  
1-800-350-5161

Iyad Suleiman  
Notary Public Signature  
Iyad Suleiman  
Print Name

My Commission Expires: \_\_\_\_\_

State of \_\_\_\_\_

**OWNERSHIP AFFIDAVIT  
FOR  
INDIVIDUAL**

STATE OF \_\_\_\_\_

Public Hearing No. \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, personally appeared \_\_\_\_\_, hereinafter the Affiant, who being duly sworn by me, on oath, deposes and says:

1. Affiant is the fee owner of the property, which is the subject of the proposed hearing.
2. The subject property is legally described as:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

**Witnesses:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Affiant's signature

\_\_\_\_\_  
Print Name

Sworn to and subscribed before me on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
Print Name

State of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



## APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

### OWNER OR TENANT AFFIDAVIT

(I)(WE), ERROL DUNCAN, being first duly sworn, depose and say that (I am)(we are) the ☐ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

[Signature]  
Signature

\_\_\_\_\_  
Signature

Sworn to and subscribed to before me  
this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

### CORPORATION AFFIDAVIT

(I)(WE), ERROL DUNCAN, being first duly sworn, depose and say that (I am)(we are) the ☐ President ☐ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: \_\_\_\_\_

[Signature]  
Authorized Signature  
PRESIDENT  
Office Held

(Corp. Seal)



Iyad Suleiman  
Commission # DD153058  
Expires Sep. 24, 2006  
Aaron Notary  
1-800-350-5161

Sworn to and subscribed to before me  
this 4 day of Feb, 2004.

Notary Public: Iyad Suleiman  
Commission Expires: \_\_\_\_\_

### PARTNERSHIP AFFIDAVIT

(I)(WE), \_\_\_\_\_, being first duly sworn, depose and say that (I am)(we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

By \_\_\_\_\_ %  
By \_\_\_\_\_ %

\_\_\_\_\_  
(Name of Partnership)

By \_\_\_\_\_ %  
By \_\_\_\_\_ %

Sworn to and subscribed to before me  
this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

Notary Public: Iyad Suleiman  
Commission Expires: \_\_\_\_\_

### ATTORNEY AFFIDAVIT

I, \_\_\_\_\_, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Sworn to and subscribed to before me

this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Notary Public: \_\_\_\_\_

Commission Expires: \_\_\_\_\_

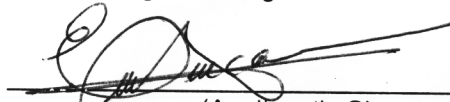
## RESPONSIBILITIES OF THE APPLICANT

I AM AWARE THAT:

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning applications which may affect the scheduling and outcome of applications. These reviews may require additional public hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property. In addition to mailing costs, fees related to application changes, plan revisions, deferrals, re-advertising, etc., may be incurred. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. I understand that fees must be paid promptly.
3. The South Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and that a building permit will probably be required. I am responsible for obtaining permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use and Occupancy must be obtained for the use of the property after it has been approved at Zoning Hearing, and that failure to obtain the required permits and/or Certificates of Completion or of Use and Occupancy will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3<sup>rd</sup> District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. In Miami-Dade County v. Omnipoint Holdings, Inc., Case No. 3D01-2347 (Fla. 3<sup>rd</sup> DCA 2002), the 3<sup>rd</sup> District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of covenants. This is not a final decision and the County Attorney's Office is seeking further review. In the interim, the County Attorney's Office is working with the Planning and Zoning Department's professional staff to develop new standards that will address the Court's concerns. While the new standards are being developed, applicants are advised that any non-use variance, special exception, unusual use, new use requiring a public hearing or request for modification of covenants granted under the existing standards are subject to being reversed in the courts. An applicant wishing to avoid the substantial legal risks associated with going forward under the existing standard may seek a deferral until the new standards are developed..
6. Any covenant to be proffered must be submitted to the Department's Legal Counsel, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. And that Legal Counsel can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Counsel must carry a cover letter indicating subject matter, application number and hearing date. Legal Counsel may be reached at (305) 375-3075



Iyad Suleiman  
Commission # DD153058  
Expires Sep. 24, 2006  
Aaron Notary  
1-800-350-5161

  
(Applicant's Signature)

ERROL DUNCAN  
(Print Name)

Sworn to and subscribed before me this 4 day of Feb, 2004. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.



(Notary Public)

My commission expires \_\_\_\_\_

### DISCLOSURE OF INTEREST\*

If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: DRI INC

NAME AND ADDRESS	Percentage of Stock
<u>ERROL DUNCAN</u>	
<u>8935 SW 163 TER</u>	<u>100%</u>

If a **TRUST or ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: \_\_\_\_\_

NAME AND ADDRESS	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

NAME AND ADDRESS	Percent of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: \_\_\_\_\_

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: \_\_\_\_\_

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTICE:** For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature:  (DRI)  
(Applicant)

Sworn to and subscribed before me this 4 day of Feb, 2004. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

  
(Notary Public)

My commission expires \_\_\_\_\_



Iyad Suleiman  
Commission # DD153058  
Expires Sep. 24, 2006  
Aaron Notary  
1-800-350-5161

\*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

PETITION OF APPEAL FROM DECISION OF  
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD  
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY DG AMOUNT OF FEE \$1728.60

RECEIPT # I200413205

DATE HEARD: 7/20/04

BY CZAB # 14

RECEIVED  
04-35  
AUG 02 2004

ZONING HEARINGS SECTION  
DATE RECEIVED STAMP  
BY [Signature]

\*\*\*\*\*

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. 04-7 CZ 14-2 (04-35)

Filed in the name of (Applicant) DRI INC

Name of Appellant, if other than applicant \_\_\_\_\_

Address/Location of APPELLANT'S property: NORTHEAST CORNER OF SW 127 AVE  
AND SW 195 TER MIAMI DADE  
AKA 12655 SW 195 TER  
Application, or part of Application being Appealed (Explanation): ENTIRE APPLICATION

Appellant (name): DRI

hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:  
(State in brief and concise language)

THE COMMUNITY COUNCIL ERRED IN DENYING THE  
APPLICATION. THE APPLICATION IS CONSISTENT  
WITH ADJACENT PROPERTY THERE WAS NO  
SUBSTANTIAL COMPETENT TESTIMONY PRESENTED

Page 1 IN THE HEARING TO SUPPORT A DENIAL.

APPELLANT MUST SIGN THIS PAGE

Date: 02 day of AUGUST, year: 2004

Signed

[Signature] DRI  
ERROL DUNCAN

Print Name

8935 SW 163 TER MIAMI FL 33157  
Mailing Address

305 498-5871

Phone

Fax

REPRESENTATIVE'S AFFIDAVIT

If you are filing as representative of an  
association or other entity, so indicate:

Representing

Signature

Print Name

Address

City

State

Zip

Telephone Number

Subscribed and Sworn to before me on the 2nd day of August, year 2004

Notary Public

(stamp/seal)



EVERTON F.A. CHARLES  
MY COMMISSION # DD 270607  
EXPIRES: December 29, 2007  
Bonded Thru Budget Notary Services

Commission expires:



**APPELLANT'S AFFIDAVIT OF STANDING**  
(must be signed by each Appellant)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

Before me the undersigned authority, personally appeared ERROL DUNCAN (DRI)  
(Appellant) who was sworn and says that the Appellant has standing to file the attached appeal  
of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community  
Zoning Appeals Board matter because of the following:

(Check all that apply)

- ☐ 1. Participation at the hearing
- ☐ 2. Original Applicant
- ☐ 3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury,  
and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

**Witnesses:**

Signature

EVERTON F.A. CHARLES  
Print Name

Appellant's signature

ERROL DUNCAN DRI  
Print Name

Signature

Print Name

Sworn to and subscribed before me on the 2nd day of August, year 2004.

Appellant is personally know to me or has produced \_\_\_\_\_ as  
identification.

Notary EVERTON F.A. CHARLES  
(Stamp/Seal)

Commission Expires



EVERTON F.A. CHARLES  
MY COMMISSION # DD 270807  
EXPIRES: December 29, 2007  
Bonded Thru Budget Notary Services